

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JALATA KAMEL,

Plaintiff,

GREAT WEST CASUALTY COMPANY,

Involuntary Plaintiff,

Case No.

v.

CHEROKEE INSURANCE COMPANY,
JOSHUA PRITCHARD, and
DANNY HERMAN TRUCKING, INC.,

Defendants.

NOTICE OF REMOVAL

Defendants, Cherokee Insurance Company, Joshua Pritchard, and Danny Herman Trucking, Inc., by and through their counsel, hereby submit their Notice of Removal, pursuant to 28 U.S.C. §§ 1441 and 1446, and in support of the removal of this action from the Circuit Court of Milwaukee County, Wisconsin, to the United States District Court for the Eastern District of Wisconsin, state as follows:

1. This action was initiated by the plaintiff, Jalata Kamel, in the Circuit Court of Milwaukee County, Wisconsin, and is currently pending in said Court as Civil Action No. 2022-CV-002272.

2. This action was filed by the plaintiff on April 7, 2022. The defendant, Cherokee Insurance Company, was served by a process server through its

registered agent with a copy of the Summons and Complaint on April 11, 2022. Upon information and belief, the defendant, Joshua Pritchard, may have been served by a process server with a copy of the Summons and Complaint, but the date of service, if completed, is currently unknown. The defendant, Danny Herman Trucking, Inc., upon information and belief, was served by a process server with a copy of the Summons and Complaint on April 13, 2022. A copy of the Summons and Complaint is attached to this Notice as Exhibit A.

3. Plaintiff also named as an involuntary plaintiff, Great West Casualty Company, which is a nominal party with a statutory subrogation interest. *Shaw v. Dow Brands, Inc.*, 994 F.2d 364, 369 (7th Cir. 1993). As a nominal party, Great West Casualty Company is not a real party in interest and does not need to consent to the removal of this action. *Vandervest v. Wisconsin Cent. Ltd.*, 936 F. Supp. 601, 605 (E.D. Wis. 1996).

4. On April 26, 2022, the involuntary plaintiff, Great West Casualty Company, filed a Notice of Appearance and Answer, Cross-Claim and Counterclaim. Copies of the Notice of Appearance and Answer, Cross-Claim and Counterclaim are attached to this Notice as Exhibits B and C.

5. On May 3, 2022, the defendants, Cherokee Insurance Company, Joshua Pritchard, and Danny Herman Trucking, Inc., filed their Notice of Appearance. A copy of the Notice of Appearance is attached to this Notice as Exhibit D.

6. Defendants have not been served with any process, pleadings or orders in this action, and no other process, pleadings or orders have been filed in this action other than the documents attached hereto as Exhibits A, B, C, and D.

7. This notice is timely filed pursuant to 28 U.S.C. § 1446(b)(3), in that thirty (30) days have not expired since April 11, 2022, the date on which the defendant, Cherokee Insurance Company, was served with a copy of the Summons and Complaint.

8. The plaintiff, Jalata Kamel, is an adult citizen of Minneapolis, Minnesota. The defendant, Cherokee Insurance Company, is a Michigan insurance corporation having its principal place of business in Sterling Heights, Michigan. The defendant, Joshua Pritchard, is an adult citizen of Crossville, Tennessee. The defendant, Danny Herman Trucking, Inc., is a California corporation having its principal place of business in Mountain City, Tennessee.

9. Based upon the nature of the allegations in the Complaint, the matter in controversy in this action exceeds the sum of \$75,000, exclusive of interest and costs.

10. This court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332 because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between individuals and corporations deemed citizens of different states.

WHEREFORE, the defendants, Cherokee Insurance Company, Joshua Pritchard, and Danny Herman Trucking, Inc., respectfully request that this case be

removed from the Milwaukee County Circuit Court of Wisconsin to the United States District Court for the Eastern District of Wisconsin.

Dated: May 5, 2022.

s/Steven F. Stanaszak

Steven F. Stanaszak

State Bar No. 1022255

Michael K. Roberts

State Bar No. 1085197

Attorneys for Defendants, Cherokee

Insurance Company, Joshua Pritchard, and

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